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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,653	06/27/2001	Daniel Dedu-Constantin	MS146953.1	6973

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,653

Applicant(s)

DEDU-CONSTANTIN ET AL.

Examiner

Susan Y. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8,10,27 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,10,27 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to the amendment filed on January 20, 2006.

Claims 1-2, 8, 10, 27 and 30-33 are pending for examination, claims 1, 8, 10 and 27 have been amended; and claims 30-33 have been newly added.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2, 8, 10, 27, and 30-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In the present case, the application programming interface claims (claims 1-2 and 30-31) absent an explicit and deliberate definition in the specification, which permits the functionality of the parser and claimed components to be realized, thus, it is directed to software per se. Furthermore, the claimed application interface does not seem producing concrete, tangible and useful results. The system claims (claims 8, 10 and 32-33) have no hardware elements to establish it as a machine under 35 U.S.C. 101. It doesn't appear to have necessary hardware to enable it to act as a computer component to be a manufacture under 35 U.S.C. 101. In addition, the computer readable medium recited in claim 27 including transmission medium i.e. a carrier wave

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or a signal in its definition of computer readable medium, thus, the claim is not statutory as the claim is not tangible.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8,10 and 32-33, are rejected under 35 U.S.C. 102(e) as being anticipated by Vandersluis (U.S. Patent No. 6,356,920).

As to claim 8, Vandersluis discloses a system facilitating access to data, comprising:

an XML data document component having a hierarchical representation of information associated with an XML source document [e.g., the dynamic XML data Authoring System, Fig 4a-4b];

a data set component having a relational representation of at least some of the information associated with the XML source document [Abstract, lines 16-21 & Fig. 4a-b and associated texts];

wherein the system facilitates accessing and changing information in the XML data document component and reflecting these changes in the data set component according to a mapping between the XML data document component and the data set component [e.g., Fig(s). 7 & 14 and associated texts].

As to claim 10, except the limitations recited in claim 8, the combined system of Vandersluis and Ludwig further discloses that the system having an XML parser for retrieving information from the XML source document, the parser sending information associated with the XML source document to the XML data document component and data set component [e.g., Vandersluis: col. 11, lines 56 – col. 12, line 4].

As to claim 32, except the limitations recited in claim 10, Vandersluis further discloses a structural structural inference component to infer a relational structure of the XML source document [Vandersluis: the dynamic XML hierarchical representation component (22) of the data Authoring System, Fig(s). 4a-b].

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As to claim 33, except the limitations recited in claim 10, Vandersluis further discloses the data set component having a schema component to receive a schema describing a relational structure of the data source [e.g., Vandersluis: the SQL template schema for selecting [SIR Number], [Created on] ...statement, Fig. 4c].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 27 and 30-31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandersluis (U.S. Patent No. 6,356,920) in view of Ludwig et al. (U.S. Publication No. 2002/0198798).

As to claim 1, Vandersluis discloses an application programming interface as claimed [e.g., see Title, Abstract, col. 2, lines 36 – col. 3, lines 6, col. 5, lines 1-42], comprising:

a) a parser to retrieve and parse information associated with a data source [e.g., the Parsing Code unit of Fig. 2, Steps 45, 47, Fig. 7, the XML parser at col. 11, lines 62-66];

b) an XML data document component adapted to receive at least part of the parsed information and having a hierarchical representation of the at least a portion of the parsed information associated with the data source [e.g. the dynamic XML hierarchical representation component (22) of the data Authoring System, Fig(s). 4a-b, Fig. 2, col. 2, lines 36-53; Steps 119-124, Fig. 12];

c) a data set component and the data document component being mapped to each other to facilitate accessing the at least a portion of the parsed information in either representation [e.g., Abstract, lines 4-22 & Fig(s). 7&14 and associated texts], changing the at least a portion of the parsed information in the representation accessed [e.g., the steps: 38-48, Fig(s). 7&14 and associated texts]

Vandersluis does not expressly disclose synchronizing these changes in the other representation.

However, Ludwig et al. (herein after referred as Ludwig) discloses the claimed limitation "synchronizing these changes in the other representation" [e.g., Ludwig: Fig. 5 and associated texts specifically section 0058].

Vandersluis and Ludwig are both in the same endeavor to optimizing dynamic XML document processing over Internet via customers requests, therefore, with the teachings of Vandersluis and Ludwig in front of him/her, it would have been obvious for an ordinary skilled person in the art being motivated to modify Vandersluis' with the well-known technique as taught by Ludwig to build a combined system for synchronizing the changes in the other representation, because by doing so, as suggested by Ludwig

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the combined invention will be upgraded to permits replacement of a business object with another modular business object containing other specified instructions with the same global information that results in facilitating the business transaction processing and reduce the system cost [e.g., Ludwig: 0006-0008].

As to claim 27, Vandersluis discloses the claimed computer readable medium product, comprising:

a component to facilitate one or more changes made to relationally represented source document information mapped to a hierarchically represented source document information [col. 5, lines 1-42] .

the hierarchically represented source document information parsed from an XML source document and stored in an XML data document component associated with the XML source document [e.g. the dynamic XML hierarchical representation component (22) of the data Authoring System, Fig(s). 4a-b, Fig. 2, col. 2, lines 36-53; Steps 119-124, Fig. 12].

The relationally represented source document information parsed from the XML source document and stored in a data set component associated with the XML source document [e.g., Fig(s). 7 & 14 and associated texts].

Vandersluis does not expressly disclose synchronizing one or more changes as claimed by applicant.

However, Ludwig et al. (herein after referred as Ludwig) discloses the claimed limitation “synchronizing one or more changes” as claimed [e.g., Ludwig: Fig. 5 and associated texts specifically section 0058].

Vandersluis and Ludwig are both in the same endeavor to optimizing dynamic XML document processing over Internet via customers requests, therefore, with the teachings of Vandersluis and Ludwig in front of him/her, it would have been obvious for an ordinary skilled person in the art being motivated to modify Vandersluis' with the well-known technique as taught by Ludwig to build a combined system for synchronizing one or more changes as claimed, because by doing so, as suggested by Ludwig the combined invention will be upgraded to permits replacement of a business object with another modular business object containing other specified instructions with the same global information that results in facilitating the business transaction processing and reduce the system cost [e.g., Ludwig: 0006-0008].

As to claim 2, except the limitations recited in claim 1, the combined system of Vandersluis and Ludwig further discloses that the source data including at least one of an XML document and a relational database document [e.g., Vandersluis: col. 5, lines 19-25].

As to claim 30, except the limitations recited in claim 1, the combined system of Vandersluis and Ludwig further discloses that the data set component having a structural inference component to infer a relational structure of the data source [e.g.,

Vandersluis: the dynamic XML hierarchical representation component (22) of the data Authoring System, Fig(s). 4a-b].

As to claim 31, except the limitations recited in claim 1, the combined system of Vandersluis and Ludwig further discloses that the data set component having a schema component to receive a schema describing a relational structure of the data source [e.g., Vandersluis: the SQL template schema for selecting [SIR Number], [Created on] ...statement, Fig. 4c].

Response to Arguments

Applicant's arguments with respect to the amended or newly added claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2161

April 24, 2006



**UYEN LE
PRIMARY EXAMINER**